

Message

---

**From:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Sent:** 8/7/2019 3:23:51 PM  
**To:** Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

No worries. I basically cribbed from some of your earlier docs. Feel free to review if you have a sec, but no worries if you don't.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Wade, Alexis <Wade.Alexis@epa.gov>  
**Sent:** Wednesday, August 7, 2019 11:23 AM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

I'm sorry I was in a meeting and missed this. I am certain the draft is great!

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

---

**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Wednesday, August 07, 2019 9:56 AM  
**To:** Wade, Alexis <Wade.Alexis@epa.gov>  
**Subject:** FW: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Alexis, would you like to review before I send to Steve? If not, or if I don't hear from you by 10:30 or so, I will send. Thanks!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Tuesday, August 6, 2019 4:37 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Hi Simma. I like Carrie's edits. Saw one typo. Should be "Department of the Interior." Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Tuesday, August 06, 2019 4:11 PM  
**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>  
**Cc:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Carrie and Alexis,

(And Tod if interested),

Here is a draft response for your review, as well as the latest five way MOA that Alexis wisely circulated before she left. Once I receive your edits, I will incorporate quickly and send to Steve for his review, in order to send to David by COB tomorrow.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

---

**From:** Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>  
**Sent:** Tuesday, August 6, 2019 12:36 AM  
**To:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

## Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I think this letter could be short—maybe a page. Could you get me a draft of this by COB Wednesday? Thanks!

**David Fotouhi**

Principal Deputy General Counsel  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel: +1 202.564.1976  
[fotouhi.david@epa.gov](mailto:fotouhi.david@epa.gov)

---

**From:** Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>  
**Sent:** Wednesday, July 24, 2019 12:44 PM  
**To:** Leopold, Matt (OGC) <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>; Fotouhi, David <[Fotouhi.David@epa.gov](mailto:Fotouhi.David@epa.gov)>; Ross, David P <[ross.davidp@epa.gov](mailto:ross.davidp@epa.gov)>; Neugeboren, Steven <[Neugeboren.Steven@epa.gov](mailto:Neugeboren.Steven@epa.gov)>; Wehling, Carrie <[Wehling.Carrie@epa.gov](mailto:Wehling.Carrie@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Frazer, Brian <[Frazer.Brian@epa.gov](mailto:Frazer.Brian@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Cc:** Marshall, Tom <[marshall.tom@epa.gov](mailto:marshall.tom@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Forsgren, Lee

<Forsgren.Lee@epa.gov>; Santell, Stephanie <Santell.Stephannie@epa.gov>; Mutz, John (Fletcher)  
<mutz.john@epa.gov>

**Subject:** RE: Response to FL DEP White Paper on ESA Consultation for 404 Assumption

Hello everyone – Attached is the briefing paper that we will walk through at the 4:00 meeting.

Thanks,  
Alexis

Alexis Wade  
Attorney-Adviser  
Water Law Office  
EPA Office of General Counsel  
(202) 564-3273

-----Original Appointment-----

**From:** Leopold, Matt (OGC)

**Sent:** Thursday, July 18, 2019 1:27 PM

**To:** Leopold, Matt (OGC); Fotouhi, David; Ross, David P; Neugeboren, Steven; Wehling, Carrie; Kupchan, Simma; Wade, Alexis; Goodin, John; Eisenberg, Mindy; Frazer, Brian; McDavit, Michael W.; Hurlid, Kathy

**Cc:** Marshall, Tom; Siegal, Tod; Forsgren, Lee; Santell, Stephanie

**Subject:** Response to FL DEP White Paper on ESA Consultation for 404 Assumption

**When:** Wednesday, July 24, 2019 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** DCRoomARN4045/DC-Ariel-Rios-OGC

**Ex. 5 AC/DP**